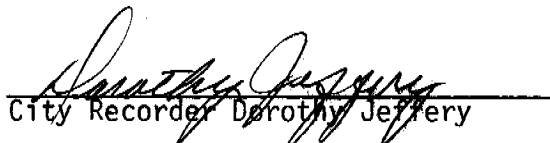


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1. Ely City Council Members: Discussion regarding the relocation of I-70 through Ely.
2. Council Member Don Dafoe: Purchase of playground equipment for the Delta City Park, using funds donated by Continental Telephone.
3. Council Member Craig Greathouse: Delta West Annexation.
4. Don Bird: Sugar Factory Road Annexation.
5. City Manager Jim Allan: Status of Economic Development Association Money.

Council Member Neil Dutson MOVED to adjourn the meeting. Council Member Don Dafoe SECONDED the motion. The Council voted to approve the motion and Mayor Grant Nielson adjourned the meeting at 10:16 p.m.


Mayor Grant S. Nielson


City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD APRIL 9, 1984

PRESENT

Grant S. Nielson
Don Dafoe
Neil Dutson
Craig Greathouse
Kjell Jenkins
Ruth Hansen

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Warren Peterson
John Quick
Rod Ogden
Art Jeffery
Sue Dutson

City Manager
City Recorder
City Attorney
City Engineer
Quality Market
Quality Market
Chamber of Commerce

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Jean Smith	Chamber of Commerce
Douglas Stephenson	County Resident
Melba Jacobson	County Resident
James Northness	Ely City Council Member
Burnell Bybee	Ely City Council Member
Leah Kauwe	City Resident
Martin Ludwig	City Resident
Rayola Tolley	Rae's Draperies
Ken Tolley	Rae's Draperies
Jim Fletcher	KNAK Radio

Mayor Nielson called the meeting to order at 7:02 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES OF A PUBLIC HEARING HELD MARCH 30, 1984

Minutes of a Public Hearing held March 30, 1984, were presented to the council for their review and consideration for approval. Following a discussion of the minutes, they were approved as corrected, upon a MOTION by Council Member Ruth Hansen and SECOND by Council Member Neil Dutson. The Mayor called for a vote on the motion and it passed unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery asked if there were any questions regarding the accounts payable, which were included in the Council's packets. The accounts payable were as follows:

<u>BUSINESS</u>	<u>DEPT</u>	<u>ITEM PURCHASED</u>	<u>AMOUNT</u>
CHURCH LUMBER	Parks & Rec	Teeter-totter Board	8.40
CTR FILTER	Streets	Air Filter	30.60
DUWIL PUBLISH	Council	CBG/Ord 84-73/Yard Chng	114.00
GENEVA PIPE	Irrigation	Pipe/Gaskets	109.44
RADIO SHACK	Bldg Inspect	Tapes	5.38
QUALITY MKT	Bldg Inspect	Fil.	18.49
MOUNTAIN ST	City Hall	Carrying Case	103.00
OFFICE SUP DIS	Mngr/Record	Door Signs	21.00
SALT LAKE STMP	Library	Stamp (Discard)	3.87
SCHOLZEN PROD	Water	Water supplies	962.88
SEVIER SCHOOL	Library	Plastic Tape	2.34
WM COOP	Shop	Oxygen	21.86
WYCOFF	City Hall	Freight Charges	5.68
CLASSIC SALES	City Hall	Cassete tapes	14.65
QUALITY IGA	City Hall	Table cloth (WP cover)	4.29
VANS JEWELRY	Parks & Rec	Trophies	45.00

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QUALITY IGA	Parks & Rec	Paper plates	4.81
QUALITY IGA	Parks & Rec	Crayons	30.00
QUALITY IGA	Parks & Rec	Calloons	1.77
QUALITY IGA	Parks & Rec	Construction paper	4.92
DOVES	Parks & Rec	Baked goods	3.55
QUALITY HDWR	Sewer	Shovel	7.59
SEVIER SCHOOL	Police	Clips/Pens/Refills	13.63
SEVIER SCHOOL	Police	Cards/Binders/Guides	14.71
SEVIER SCHOOL	Police	Map pins	6.00
PETERSON SERV	Police	Flat Tire Repair	3.00
RIDING FORD	Police	Inspection	5.25
QUALITY HRDWR	Police	Gun Scope Mount	3.58
QUALITY HRDWR	Police	Hasp/Bolts	1.29
QUALITY HRDWR	Police	Metal Box/Padlock	10.84
QUALITY HRDWR	Water	Threaded Rod	5.32
RIDING FORD	Street	Mirror/Inspection	25.25
QUALITY IGA	Street	Salt	1.32
LOSEE LUMBER	Street	Shovel Handles	15.98
QUALITY IGA	Shop	Film	18.49
QUALITY HRDWR	Shop	Keys	5.88
FARMERS SUPPLY	Shop	Hand Cleaner	5.99
SIRCHIE FNT P	Police	Misc Supplies	154.96
MASTER MUFFLER	Police	Spotlight/Gun Rack	83.45
		TOTAL	1,909.63

There was some discussion on the accounts payable, after which Council Member Don Dafoe made a MOTION to approve the accounts payable as they were listed, including Delta Auto's bill in the amount of \$205.93 and Dennis Westwood's bill in the amount of \$386.50. This motion was SECONDED by Council Member Craig Greathouse and carried in the affirmative.

BUSINESS FROM PREVIOUS MEETINGSDISCUSSION ON ISSUING A 1984 BUSINESS LICENSE TO RAE'S DRAPERIES

Mayor Nielson recognized Ken and Rayola Tolley, owners of Rae's Draperies. He then explained he had requested the application for a 1984 business license for Rae's Draperies be placed on the agenda for Council Meeting. The business has been transferred from the original location in a Central Business Zone to a location in a Residential Zone. At the April 2nd Regular City Council Meeting, the Council had recommended a petition for a zone change by the Tolley's as means of solving the problem of licensing the business; however, the Mayor felt the easiest way to correct the problem would be to have the Council deny the license, then the Tolley's could request a hearing of the Business Licensing Board as defined in the Business License Ordinance No. 82-34 Section 9.119 of the Revised Ordinances of Delta City (1981 Edition), which states:

REVOCATION OR DENIAL OF BUSINESS LICENSE

A. Any License issued pursuant to the provisions of this code or of any ordinance of the City of Delta may be revoked and any application denied by the Council because of:

1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the City of Delta.
2. Unlawful activities conducted or permitted on the premises where the business is conducted.

B. Prior to the revocation of a license or denial of an application to renew a business license, the licensee or applicant shall be given a notice which shall state in substance that the City Council intends to revoke the business license or deny the application to renew, together with the reason therefore.

C. Any person who has been given notice that Delta City intends to revoke a business license issued to such person or deny an application to renew a business license shall have a right to hearing before a Delta City license hearing board, which shall be organized by the City Council and shall consist of a member of the City Council, a duly qualified elector of Delta City appointed by the Mayor after approval by the City Council and a third person to be selected by the two designated members of the hearing board from among a panel of persons appointed by the Mayor after approval by the City Council to sit on the hearing board. The panel of persons appointed for selection as the third member of the hearing board shall consist of not more than six (6) persons with suitable ability, experience and expertise to render an informed, impartial decision on matters presented to the hearing board. Any person given notice of revocation or denial of application to renew a business license shall have the right to appear before said hearing board at least ten days and not more than 30 days from the date notice is sent and to appear in person at such hearing, with representation by counsel, to hear evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or application denied. The hearing shall be conducted in accordance with rules adopted by the hearing board, which shall provide for orderly proceedings and for fair and equitable presentation and consideration of evidence so as to assure due process rights to the hearing applicant. The

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hearing applicant shall have the right to challenge any member of the hearing board on the basis that the member of the hearing board has such interest or is so biased as to render a fair decision. If it is shown, as determined by the hearing board that the member of the hearing board is not qualified to make an impartial decision, that person shall be replaced by an additional person selected from the panel appointed by the City Council to sit on the hearing board.

D. The preceeding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the City of Delta, and such applicants need only be informed that their application has been denied.

The licensing board at this time consists of the following persons: Council Member Ruth Hansen, Art Jeffery, Martin Ludwig, Jim Christensen, Dorothy Atkinson and Louise Bogh.

Council Member Craig Greathouse asked if the licensing board has the power to overrule the City Council on business licenses. Attorney Peterson explained the board does have that power; however, there are two aspects of this issue. One is the business license has never been issued at the present location because of a documented zoning violation. The second is the zoning violation itself. Attorney Peterson stated even if the licensing board approves the license, the application will still have the zoning violation to correct, which is the enlargement of non-conforming use. He characterized the zoning violation as the enlargement of a non-conforming use.

Council Member Greathouse then asked if the Council could grant a temporary license until the issue was resolved. Attorney Peterson explained that is, in effect, what the City is doing, because it has not yet closed the business. However, the business license does not provide for a temporary license.

Attorney Peterson stated that he is exercising on prosecutorial discretion, which is essentially that the prosecutor has the discretion as to when and under what circumstances to bring prosecution. In this case there is an effort being made to bring the business within the scope of the ordinance, so he has simply exerised his discretion to not prosecute at this time.

After further discussion it was the opinion of the Council, to which Mr. and Mrs. Tolley agreed, that the preferred procedure to follow would be to have the Tolley's proceed with a petition for a zone change from residential to light industrial, which zone would then allow for a business license to be issued to Rae's Draperies.

Mayor Nielson then thanked Mr. & Mrs. Tolley for their attendance at the City Council meeting.

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NEW BUSINESS

ELY COUNCIL MEMBERS DISCUSSION ON INTERSTATE 70

Mayor Nielson introduced James Northness and Burnell Bybee, members of the Ely, Nevada City Council. He then turned the meeting over to Council Member Northness.

Council Member Northness informed the Council that the Ely City Council has been working with their United States legislators on designating a route, Interstate 70, from Salina into Ely. He then presented the Mayor and Council Members with a brochure entitled: "Review of Benefits of Completion of Interstate 70 System".

They reported that the present feeling of the Nevada Congressional members is that there is a good possibility of getting Interstate 70 routed from Salina to Ely as long as the proposal does not take the highway beyond Ely.

Council Member Northness then stated the purpose of their meeting with Delta City Council was to request a letter of support for their proposal to bring Interstate 70 from Salina through Delta and on to Ely. The letter would be forwarded to legislators who would, in turn, meet with Senators Garn and Hatch and Representative Hansen and discuss the issue.

The funding for this project is going to be hard to come by, but with the new \$.05 per gallon gasoline tax in effect at this time, chances are the project could be funded.

The Ely City representative presented the following as benefits of extending Interstate 70 from Salina through Delta to Ely:

1. As Southern United States grows in population and as a manufacturing center, it becomes more important to provide that region with good transcontinental routes to major markets. Completion of I-70 would provide a coast-to-coast route with direct access for Southern States to major urban centers in the South and Central Midwest.
2. Completion of I-70 links Denver with the West Coast markets for raw material, furnished goods and tourism.
3. Studies of Utah tourism show that its primary market is California and completion of I-70 would enhance the Utah tourist industry.
4. The construction of IPP in Delta indicates a need for better transportation routes through that area. This includes transporting a portion of the coal for the installation via a truck and the need for maintenance of the Microwave equipment in proposed transmission corridor to Los Angeles.
5. Many communities in rural Nevada along the proposed route face the need to diversify their economic base. The improved transportation routes will enhance that economic development effort.

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6. The current East-West route I-80 is often closed during the winter months because of bad weather. The proposed I-70 system would give an alternate route for the East-West traffic.

Council Member Northness informed the Council he has already received written endorsements from the Delta Area Chamber of Commerce and from IPP for the proposed project.

Mayor Nielson asked the Council how they felt about the request for a letter of support for this project. After a general discussion of the issue by the Council, Council Member Kjell Jenkins MOVED to authorize Mayor Nielson to write a letter of support to route Interstate 70 from Salina through Delta to Ely. This motion was SECONDED by Council Member Don Dafoe and upon a call for a vote it passed unanimously.

City Manager Jim Allan asked Ely City Council if they could provide a fact sheet regarding this project for the City Council. Council Member Northness assured Mr. Allan that they would have one mailed to him.

ART JEFFERY: DISCUSSION OF COMPUTER SHARE TIME WITH DELTA CITY

Council Member Kjell Jenkins stated he had discussed Delta City's new IBM computer with Rod Ogden and realized that the Quality Market Corporation was in the process of purchasing a similar computer. Council Member Jenkins stated in his opinion he felt it would be beneficial for both Quality Market Corporation and the City to discuss the possibility of purchasing just one computer and utilizing a time share program.

Art Jeffery, owner of the Quality Market, stated he had discussed this matter with City Attorney Warren Peterson and the people from Management Information Systems, Incorporated, in Salt Lake, from whom he had ordered his computer. Mr. Jeffery stated he felt after doing the research he had on the issue that the IBM 36 had the capacity of handling all of the City's computer needs as well as the Quality's computer needs without overloading the system. The Quality Corporation would probably need a 60 megabyte disk and a 128K memory. The reason for the 60 megabyte storage capacity rather than 30 megabytes is that it takes approximately 20 megabytes to run the operating system.

The lease on the system would cost approximately \$1000 per month, so on a share cost system it would save the City and the Quality Corporation approximately \$6,000 per year. One of the concerns Mr. Jeffery stated was security for both IGA and the City. However, IBM has assured him security is not a problem because all systems have pass words for access to a program. The second concern mentioned was back-up. This back-up would be done each day at the end of the day, and because the Quality Market closes at 6:00 p.m. and the City Office closes at 5:00 p.m., this could create a problem.

Mayor Nielson voiced a concern that if the City let Quality Corporation on its computer that other businesses may ask for the same consideration.

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City Manager Jim Allan explained the purchase of the IBM System will be partially funded by IPA, and this could cause some concerns.

Following further discussion of the pros and cons of the time share program and the purchase of the down sized IBM 36, Mayor Nielson reminded the Council the first order of the new smaller-sized IBM 36 must be made by Thursday, April 12, 1984, or the delivery date will be delayed by several weeks.

At this point Council Member Ruth Hansen MOVED to authorize Council Member Craig Greathouse, Council Member Don Dafoe, and City Manager Jim Allan to make a decision on the time sharing of the IBM 36.

City Manager Jim Allan stated if the Council did not want to make a decision right now he could write a letter ordering the proposed computer and if it is decided at a later date that the smaller sized IBM 36 computer is not what the City wants, the order can be cancelled.

Following Mr. Allan's statement Mayor Nielson asked if there were any further comments on the motion. There being none, Council Member Neil Dutson SECONDED the motion, which carried unanimously.

SUE DUTSON: PROPOSAL FOR SHADOW BOXES IN THE NEW CITY BUILDING

Sue Dutson told the Council she had attended the Governor's Tourist Council recently and had visited Union Square and observed some of the displays there. She stated she had some rather lengthy discussions with some of the people there regarding some improved methods of encouraging tourists to come to our area.

The Delta Area Chamber of Commerce Tourist Committee has decided it would be beneficial if they were to concentrate on a smaller area of interest. They have decided that they are going to channel in on the rock hounds for this summer.

Sue said her purpose in attending the Council meeting was to see if the Council would be interested in allowing display cases to be built and placed in the new City Building and if there would be wall space available for the display cases. She feels that the possibility of having some of the rocks and trilobites and some of the stones that are mined in our area displayed in the City Building would help promote tourism to our area and familiarize some of the tourists with the area.

After further discussion, the Council Members encouraged Sue to continue with her project of the display cases in the City Building and to obtain some costs and the proposed funding for the project and report back to the Council.

Mayor Nielson thanked Mrs. Dutson for her attendance at the meeting and for her interest in the community.

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DELTA WEST ANNEXATION

Council Member Craig Greathouse told the Council there are 36 property owners within the proposed Delta West Annexation area, and of the 36, he has received 20 signed petitions for annexation. These 20 property owners represent more than 50% of the assessed valuation of property and 60% of the property owners.

It was the opinion of Council Member Greathouse that the Council should request that P&E Engineering prepare a required annexation plat and that as soon as the plat is completed, the matter should be placed on a regular City Council meeting agenda for the purpose of scheduling a public meeting.

SUGAR FACTORY ROAD ANNEXATION

Council Member Craig Greathouse explained to the Council that he had not been in contact with Don Bird, who is the individual who is doing the research on the proposed Sugar Factory Annexation. He recommended that no Council action be taken, but that the matter be placed on the agenda at a later date.

Melba Jacobson, County Resident and property owner in the proposed Sugar Factory Road Annexation area, stated that she was at the meeting to oppose the annexation. She said she would like to be on record as being opposed to the proposed annexation.

SCHEDULE PUBLIC HEARING REGARDING THE ZONE CHANGE REQUEST FROM JACK FOWLES ON BLOCK 49 LOT 1

Attorney Peterson stated that when the Planning and Zoning Commission accepted the petition for a zone change from Jack Fowles, to change a portion of Block 49, Lot 1, Plat A, from Central Business to R-4C, the petition contained an incomplete legal description. When Planning and Zoning asked for the item to be placed on the agenda and made their recommendation to the Council, they included the entire quarter of the block, instead of the portion that was presented for rezoning. He recommended that the Council initiate a rezoning and set a public hearing to rezone the portion that did not belong to the petitioner back to the previous CB zone.

Council Member Craig Greathouse asked if it was necessary to send this proposed rezoning back to the Planning and Zoning Commission. Attorney Peterson replied that the City Council has the authority to initiate that zone change and suggested that would be the best way to handle this particular situation. Attorney Peterson then recommended the petitioner be requested to obtain a legal description of his property for the City, at which time the public hearing could be scheduled.

Council Member Craig Greathouse MOVED that the petitioner be requested to furnish a suitable legal description for his property, at which time a public hearing will be scheduled on the balance of Lot 1, Block 49. The motion was SECONDED by Council Member Don Dafoe and received the unanimous affirmative vote of all Council Members present.

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POLICE CHIEF COOPER - EMPLOYEE EVALUATION

Police Chief Cooper explained to the Council that according to Department and City Policies, when an officer is certified he is to be given a grade increase and a category increase from Patrolman I to Patrolman II. Also, when he completes his probationary period, he is to receive a merit increase. Based on that, Chief Cooper recommended Officer Bruce Irwin, who has recently graduated from the Police Academy and has completed his probationary period and is now functioning as a Patrolman II Police Officer for Delta City, be given an increase from grade 11 step B, which pays \$1118 per month, to grade 12 step C, which pays \$1218 per month.

Following a brief discussion of the proposed increase, Council Member Kjell Jenkins MOVED the Council approve the recommendation of Chief Greg Cooper and place Bruce Irwin on permanent status and increase him from grade 11 step B, at \$1118 per month to grade 12 step C, \$1218 per month. The increase is due to Officer Bruce Irwin's successful completion of POST and his completing a 6 month probationary period with Delta City. The motion was SECONDED by Council Member Don Dafoe and carried the unanimous affirmative vote of all Council Members present.

SCHEDULING OF A PUBLIC HEARING FOR CDBG MONIES - EXPANSION OF DELTA CITY'S FIRE STATION

City Manager Jim Allan stated that in order for the City to comply with the requirements for final approval of the Community Development Block Grant for the expansion of the fire station, a public hearing must be held for the purpose of receiving public comment on the proposed project.

Following a brief discussion of the issue, Council Member Craig Greathouse MOVED that a public hearing be scheduled for April 23, 1984, at 6:45 p.m., for the purpose of receiving public comment regarding the Community Development Block Grant monies for the expansion of the Delta City Fire Station. The motion was SECONDED by Council Member Don Dafoe and received the unanimous affirmative vote of all Council Members present.

CONTINENTAL TELEPHONE COMPANY'S CONTRIBUTION FOR DELTA CITY PARK EQUIPMENT

Council Member Don Dafoe explained that last fall Continental Telephone Company had donated \$1000 to Delta City for the purchase of some park equipment.

Sheldon Cannon, Manager of the Delta Office of Continental Telephone Company, has said that there is a possibility that there may be additional funds for this same purpose for the next two years.

After reviewing the need for park equipment, the Council felt additional equipment is needed for the park in the center of town. Council Member Don Dafoe displayed pictures of the proposed equipment. The total price of the proposed equipment is \$1262. The freight would be \$276. The total would be \$1538.

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Council Member Dafoe also stated there is a ten year guarantee on the equipment if the equipment is installed as per the manufacturing specifications. The equipment supplier will also come down and inspect the equipment after it has been installed and will provide insurance to insure the equipment for the lifetime of the equipment. After further discussion, Council Member Neil Dutson MOVED to authorize Laura Burnham, Parks & Recreation Director, to place the order for the proposed park equipment. This motion was SECONDED by Council Member Ruth Hansen and carried in the unanimous affirmative vote of all Council Members present.

CITY ENGINEER JOHN QUICK: SEWER STUDY

City Engineer John Quick presented a draft of a sewer study for each of the Council to review. He then reviewed in detail the different items that would be changed in this draft in detail.

SCHEDULING OF A WORK SESSION FOR DISCUSSION REGARDING EDA MONIES

City Manager Jim Allan stated he would like to propose the City Council schedule a work session regarding the EDA monies and also invite some of the townspeople who might be interested in a redevelopment district of the downtown area and to gather proposals of what may be accomplished downtown with the grant monies.

After further discussion of the issue, it was the opinion of the Council that a work session should be scheduled for the purpose of discussion on the EDA monies, on April 16th at 2:00 p.m., at the Millard School District Offices.

OTHER BUSINESS

Martin Ludwig a City Resident, explained to the Council that there is a headgate in the ditch at his home that leaves and other debris have been thrown into. The headgate is plugged and needs to be cleaned out. He requested the Mayor or Manager Jim Allan ask the City crew if they could clean it out, because the irrigation water will soon be in the ditch.

Mayor Nielson assured Mr. Ludwig that the crew would be notified and he would see that it was taken care of.

BUSINESS REQUESTED FOR CONSIDERATION FOR APRIL 16, 1984, REGULAR CITY COUNCIL MEETING FUTURE AGENDA

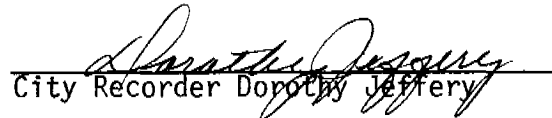
1. Tex Searle: Annexation
2. Mayor Grant Nielson: Six Month Evaluation of City Manager
3. Sharing Time on the Computer

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The Mayor asked if there was any further discussion or comments to be made. There being none, Council Member Neil Dutson made a MOTION to adjourn the meeting. The motion was SECONDED by Council Member Don Dafoe. Motion carried. Meeting adjourned at 9:35 p.m.



Mayor Grant S. Nielson



City Recorder Dorothy Jeffery